

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK
UTICA DIVISION

In re:

Jose L. Lizardi,

Debtor.

Chapter 11

Case No. 12-62352

RESPONSE TO DEBTOR'S MOTION TO LIFT STAY

Creditors Susan Skelly-Hand and Patrick Hand, as Parents and natural guardians of Rachel Elizabeth Hand, an infant (hereinafter "the Hands"), by their attorneys Ganz Wolkenbreit & Siegfeld, LLP, hereby respectfully states to the Court as follows:

1. That as recited in the Debtor's moving papers, the Hands are judgment creditors of the Debtor pursuant to a \$3,152,572.90 judgment obtained in the St. Lawrence County Supreme Court on November 19, 2012.
2. That contemporaneous to the Debtor's filing of the instant motion to lift stay, the Debtor's attorney and counsel for the Hands agreed that it was in all parties best interests that the bankruptcy stay be lifted so that the appeal of the St. Lawrence County Supreme Court judgment could be prosecuted in the Appellate Division, Third Department.
3. As such, the Hands do not oppose the relief requested by the Debtor.
4. However, the Hands wish to clarify the Debtor's papers to specifically allow them to continue prosecution of their cross-appeal, a copy of which is attached hereto as **Exhibit 1**.
5. That the Debtor's requested relief of "permit the prosecution of his appeal of the Judgment and all related matters" allows for the lift stay as to the Hands' cross-appeal.
6. That such clarification can be done in the context of this proceeding without a separate motion by the Hands. However, should the Court so require a separate motion, that the Hands hereby preserve their rights to make said motion to lift stay as the Court may direct.

WHEREFORE, the Hands respectfully request that the Court enter an Order terminating the automatic stay of 11 USC § 362 in order to permit the prosecution of the Debtor's appeal, as well as the Hands' cross-appeal, and granting to the Hands such other and further relief as to the Court may seem just and proper.

DATED: January 9, 2013
Albany, New York

Yours, etc.

GANZ, WOLKENBREIT & SIEGFELD, LLP

By:  _____

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